

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

|                              |   |                          |
|------------------------------|---|--------------------------|
| TIMOTHY FRANKS,              | : | CIVIL ACTION NO. 02-2652 |
|                              | : |                          |
| <i>Plaintiff,</i>            | : |                          |
|                              | : |                          |
| vs.                          | : |                          |
|                              | : |                          |
| COUNTY OF LEHIGH,            | : |                          |
| THOMAS LAZORIK,              | : |                          |
| BRIAN KAHLER, TED KEHM       | : |                          |
| JANICE E. NESBIT, JANE       | : |                          |
| BAKER, AND RICHARD O. KLOTZ, | : |                          |
|                              | : |                          |
| <i>Defendants.</i>           | : |                          |

**MEMORANDUM OF LAW  
IN OPPOSITION TO THE DEFENDANTS'  
APPLICATION FOR COUNSEL FEES AND ASSOCIATED EXPENSES**

Plaintiff, Timothy Franks, by and through his attorneys, Sidney L. Gold & Associates, P.C., hereby submits the following Memorandum of Law in Support of its Answer to the Defendants' Application for Counsel Fees and Associated Expenses.

Timothy Franks respectfully requests the Court strike the Defendants' Application for Counsel Fees and Associated Expenses in that the said Application was filed on July 15, 2004, in violation of Rule 54 of the Federal Rules of Civil Procedure (FRCP). FRCP 54(d)(2)(B) expressly states that any application for attorney's fees, unless otherwise provided by statute or Order of Court, the Motion must be filed no later than fourteen (14) days after entry of judgment.

Inasmuch as the Defendants' Application for Attorney's Fees was filed after the fourteen-day deadline prescribed by Rule 54 of the Federal Rules of Civil Procedure, the Defendants' Motion must be stricken with prejudice.

Furthermore, the Defendants' Application for Associated Costs and Expenses must likewise be stricken in that the said application was filed beyond the five-day deadline as set forth in Rule 54(d)(1).

WHEREFORE, Plaintiff respectfully requests this Court to enter an Order striking the Defendants' Application for Attorney's Fees and Associated Costs, and respectfully requests the Court to enter an Order denying the said Application.

Respectfully submitted,

SIDNEY L. GOLD & ASSOCIATES, P.C.

S/Sid Gold, Esquire- SG-1387

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**Attorney for Plaintiff**